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November 2, 2005

BY E-FILING

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 King Street
Wilmington, DE 19801

Re: GTech Corp. v. Scientific Games International, Inc., et al.,
C.A. No. 04-138-JJF

Dear Judge Farnan:

On July 11, 2005, the Court granted Scientific Games' motion to compel, and ordered GTECH to produce two opinions of counsel concerning the '337 patent, which is at issue in this litigation (D.I. 96). Those opinions of counsel were authored by Gregor Neff, who also prosecuted the '337 patent (D.I. 82, Ex. C). Instead of complying with the Court's order and producing the opinions of counsel, GTECH filed a motion for reconsideration and declined to produce the opinions, because "the Order did not specify a time frame within which production of the . . . opinions must be made" (D.I. 101 at 1 n.1).

The parties have completed briefing in advance of the *Markman* hearing set for November 18, 2005. The opinions of the prosecuting attorney, Mr. Neff, concerning the '337 patent may be relevant in construing the patent claims. Scientific Games respectfully requests that the Court deny GTECH's motion for reconsideration, and order GTECH to produce the opinions in time for Scientific Games to use them in connection with the November 18 *Markman* hearing. Attached is a proposed order

Respectfully,



Rodger D. Smith II (#3778)

Enclosure

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cc: Clerk of the Court (By E-Filing; w/encl.)
Josy W. Ingersoll, Esquire (By E-Filing; w/encl.)
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